

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

MARTHA J. HARRIS,)	
)	
Plaintiff,)	
)	
VS.)	No. 13-1100-JDT-egb
)	
HARDEMAN COUNTY, ET AL.,)	
)	
Defendants.)	

ORDER DIRECTING CLERK TO MODIFY THE DOCKET,
DENYING PLAINTIFF'S OBJECTIONS,
ADOPTING REPORT AND RECOMMENDATION,
AND GRANTING DEFENDANT HALE'S MOTION FOR SUMMARY JUDGMENT

The *pro se* Plaintiff, Martha J. Harris, filed a civil complaint on March 25, 2013. (ECF No. 1.) Leave to proceed *in forma pauperis* was subsequently granted. (ECF No. 3.) On October 9, 2013, U.S. Magistrate Judge Edward G. Bryant issued a Report and Recommendation ("R&R") in which he recommended that portions of the complaint be dismissed *sua sponte* pursuant to 28 U.S.C. § 1915(e)(2)(B) and that Defendants Carolyn Hale,¹ Patrick Perry, and Roger Sturgers be served with process. (ECF No. 5.)

Defendant Hale filed a motion for summary judgment on August 19, 2014 (ECF No. 37), and Plaintiff filed a timely response (ECF No. 39). On October 20, 2014, Magistrate

¹ In the complaint, Plaintiff misidentified Defendant Hale as "Nurse Haley." (ECF No. 1 at 1-2.) The Clerk is directed to modify the docket to reflect the Defendant's correct name, which is found in her affidavit. (ECF No. 37-2.)

Judge Bryant issued an R&R in which he recommended granting the motion for summary judgment. (ECF No. 47.) He concluded that the undisputed evidence in the record, which consists of Defendant Hale's affidavit and Plaintiff's medical records from the Hardeman County Justice Center (ECF No. 37-2), shows that Hale was not deliberately indifferent to any of Plaintiff's serious medical needs. Plaintiff filed objections to the R&R on November 5, 2014. (ECF No. 51.)

Plaintiff's objections essentially assert that Defendant Hale is lying in her affidavit and that Plaintiff is telling the truth.² However, that is not a sufficient basis for rejecting the R&R. Plaintiff has submitted no evidence whatsoever to refute Defendant's affidavit and the attached medical records. Therefore, the Court finds that Magistrate Judge Bryant's conclusions are sound. There are no genuine issues of material fact with regard to Plaintiff's Eighth Amendment claims against Defendant Hale, and Hale is entitled to judgment as a matter of law. Accordingly, Plaintiff's objections are DENIED, the R&R is ADOPTED, and Defendant Hale's motion for summary judgment is hereby GRANTED.

IT IS SO ORDERED.

s/ **James D. Todd**
JAMES D. TODD
UNITED STATES DISTRICT JUDGE

² In the R&R, the Magistrate Judge stated that Plaintiff's response to the motion for summary judgment contained an assertion that even though Plaintiff had been prescribed a higher dosage of Seroquel, Defendant would only give her the regular dosage. (ECF 47 at 2.) In her objection to the R&R, Plaintiff contends she never made such an assertion. (ECF No. 51 at 1.) It appears that the Magistrate Judge may have misinterpreted Plaintiff's response. (ECF 39 at 2.) However, that minor misstatement has no effect on the validity of the R&R.